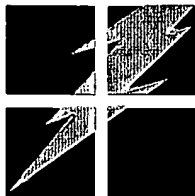


<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>PC-1859001</b>
INTERNATIONAL APPLICATION NO. <b>PCT/CA03/00399</b>		U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/509068</b>
INTERNATIONAL FILING DATE <b>March 21, 2003</b>		PRIORITY DATE CLAIMED <b>March 28, 2002</b>
TITLE OF INVENTION <b>METHOD FOR CONTINUOUS MEASUREMENT OF FLUX OF GASES IN THE LUNGS DURING BREATHING</b>		
APPLICANT(S) FOR DO/EO/US <b>JOSEPH - FISHER</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <b>Informal</b> 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). 20. <input type="checkbox"/> Other items or information:		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="font-size: 2em; font-weight: bold; text-align: center;">10/509068</div>		INTERNATIONAL APPLICATION NO. PCT/CA03/00399		ATTORNEY'S DOCKET NUMBER PC-1959001							
21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (CFR 1.492(a)(1)-(5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....\$1080.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....\$920.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....\$770.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....\$730.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....\$100.00 <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">CALCULATIONS</th> <th style="width:50%;">PTO USE ONLY</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td>\$</td> <td style="text-align: right;">920</td> </tr> </table>		CALCULATIONS	PTO USE ONLY			\$	920
CALCULATIONS	PTO USE ONLY										
\$	920										
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>\$</td> <td style="text-align: right;">130</td> </tr> </table>		\$	130				
\$	130										
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$							
Total claims	32 - 20 =	12	X \$18.00	\$	216						
Independent claims	6 - 3 =	3	X \$86.00	\$	258						
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$290.00	290						
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	1814						
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	907						
<b>SUBTOTAL =</b>				\$	907						
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$							
<b>TOTAL NATIONAL FEE =</b>				\$	907						
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$							
<b>TOTAL FEES ENCLOSED =</b>				\$	907						
				Amount to be refunded:	\$						
				Amount to be charged:	\$						
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>907.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>08-3255</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not          be included on this form.</b> Provide credit card information and authorization on PTO-2038.											
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.											
SEND ALL CORRESPONDENCE TO: 175 Commerce Valley Drive West Suite 200 Thornhill, Ontario Canada L3T 7P6											
				_____ SIGNATURE							
				<u>Neil H. Hughes</u> NAME							
				<u>33,636</u> REGISTRATION NUMBER							



**Ivor M. Hughes**

*Barrister & Solicitor*

*Patent & Trade Mark Agents  
Canada, United States*

**10/509068**  
**DT09 Rec'd PCT** **24 SEP 2004**

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*Rick Tuzi*

*Mark Ng*

*Patent Agents*

*Neil H. Hughes, P.Eng.*

*Marcelo K. Sarkis, P.Eng.*

*Wm. Kitt Sinden*

Our Ref.: PC-1959001

September 23, 2004

**VIA COURIER**

The Commissioner of Patents  
UNITED STATES PATENT OFFICE  
220 20th Street South  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202  
U.S.A.

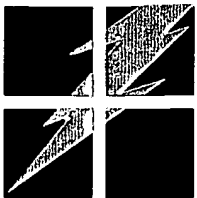
Dear Sir:

Re: United States Patent Application  
based on International Application  
Number PCT/CA03/00399 filed on March 21, 2003  
of Joseph Fisher, David Preiss, Takafumi Azami, Alex Vesely, Eitan Prisman and Tehilla Adams  
for METHOD FOR CONTINUOUS MEASUREMENT OF FLUX OF GASES IN THE  
LUNGS DURING BREATHING  
**CUSTOMER NO. 23607**  
**Due Date: September 28, 2004**

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Enclosed herewith please find the following documentation for filing with the Commissioner:

- (a) Transmittal Letter (Form PTO-1390) for National Entry into the United States of America;
- (b) Declaration for Utility or Design Patent Application executed by inventors;
- (c) Power of Attorney and Correspondence Address Indication Form of Joseph Fisher;
- (d) Power of Attorney and Correspondence Address Indication Form of David Preiss;
- (e) Power of Attorney and Correspondence Address Indication Form of Takafumi Azami;
- (f) Power of Attorney and Correspondence Address Indication Form of Alex Vesely;
- (g) Power of Attorney and Correspondence Address Indication Form of Eitan Prisman;
- (h) Power of Attorney and Correspondence Address Indication Form of Tehilla Adams; and
- (i) Copy of Published International Application Number WO 03/082390 A1 published October 9, 2003;
- (j) Notification of Transmittal of The International Search Report dated August 6, 2003; and
- (k) Voluntary Amendment



Page 2

The Claims that stand in this U.S. National Phase Patent Application are **Claims 1 to 19** inclusive.

Enclosed along with this material please find a cheque in the amount of **\$907.00 US dollars**, the fee for a small entiry, made payable to **"The Commissioner of Patents"**. This sum includes \$129.00 for 3 independent claims over and above the three allowed per application, \$108.00 for 12 claims over and above the twenty claims allowed per application, \$145.00 for multiple dependent claims fee, \$460.00 for the International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO and \$65.00 the surcharge fee for furnishing the oath or declaration after expiration of 30 months.

If there is any surplus or deficiency, the Commissioner is authorized to credit the surplus or take the deficit from Applicant's Agent's Deposit Account No. 08-3255 and advise Applicants' Agent.

Also enclosed herewith is a stamped, self-addressed verification card which we request that you kindly acknowledge "received" and return to this office at the earliest opportunity.

We thank the Commissioner for his cooperation in this regard and look forward to receiving filing receipt in this matter.

Respectfully submitted,

Neil H. Hughes, P. Eng.  
Registration No. 33,636  
Agent for Applicant

NHH/hp  
Enclosures